

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Damon R. Johnson,

Case No.: 2:21-cv-00013-APG-NJK

Plaintiff

Order Denying Motion to Reopen Case and Denying as Moot Application to Proceed in Forma Pauperis

David Frobes, et al.,

Defendants

This action began with a pro se civil-rights complaint filed under 42 U.S.C. § 1983 by a state prisoner. After plaintiff Damon R. Johnson had been released from prison, state Judge Koppe entered an order denying Johnson’s application to proceed in forma pauperis for prisoners and directing him to file an application for a non-prisoner or pay the filing fees by July 8, 2021.¹ That deadline passed without Johnson filing an application for non-prisoners, paying the filing fee, or seeking additional time to do either. So on July 20, 2021, I filed this action without prejudice due to Johnson’s failure to comply with the order.²

My dismissal order and the Clerk of Court's subsequent judgment were soon returned to the court as undeliverable.³ Fifteen days after entry of my dismissal order, Johnson filed an application to proceed in forma pauperis for non-prisoners.⁴ And 19 days after that, Johnson filed a motion asking the court to update his address and "reset the court's docket for litigation"

¹ ECF No. 9.

|² ECF No. 11.

23 | ³ ECF No. 13.

4 ECF No. 14.

1 because he had regained his box of legal papers.⁵ Johnson's motion pertains to 10 cases,
2 including this one, that he filed in this District and purports to include a report from Las Vegas
3 Metropolitan Police Department documenting Johnson's claim that his box of legal papers was
4 missing.⁶ No such report was actually included with the motion.

5 Although I am sympathetic to Johnson’s claim that he was without his legal papers for
6 some time, that does not explain why he failed to timely comply with Magistrate Judge Koppe’s
7 order to or seek to extend the time to do so. It appears from the one-size-fits-all approach that
8 Johnson used for his motion that he has not kept himself informed of the status of his many cases
9 in this District. Johnson has not demonstrated that the without-prejudice dismissal of his claims
10 was the product of his excusable neglect or that good cause exists to set my dismissal order aside
11 and reopen this case.

I THEREFORE ORDER that Johnson's motion to reopen this case (**ECF No. 15**) is
DENIED. If Johnson wants to pursue the claims that were at issue in this case, he must file a
complaint in a **new action** and pay the required fee or file an application to proceed in forma
pauperis for non-prisoners.

I further order that Johnson's motion to proceed in forma pauperis (ECF No. 14) is DENIED as moot. **No other documents should be filed in this closed case.**

18 | Dated: January 11, 2022



U.S. District Judge

23||⁵ ECF No. 15.

6 Id.